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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,269	12/22/2004	Issam Abouloukme		9089

7590
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02/22/2007

EXAMINER

BLOODGOOD, RUSSELL F

ART UNIT

PAPER NUMBER

3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/519,269	Applicant(s) ABOULOUME, ISSAM	
	Examiner Russell F. Bloodgood	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the apparatus with three fabric sheets (Claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because of the use of the indefinite language "and the like" on line 3. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claims 1-9, the phraseology "self rolling blind, awning, or cover apparatus" in the first line of each of the claims renders each claim indefinite. Because blinds, awnings, and covers are not structural equivalents, the scope of the claim cannot be fully understood.

Claim 1 recites the limitation "the tube" in line 3. There is insufficient antecedent basis for this limitation in the claim.

With regards to Claim 1, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

With regards to Claim 1, the incorrect use of the word "it's" renders the claim indefinite.

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Claim 1 recites the limitation "the keyway tube and spring" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim. Examiner notes that a "spring mechanism" is disclosed rather than a spring.

Claim 1 recites the limitation "the fabric" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the travel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the keyway tube and spring" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the spring end and idler end" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the free rolling of the wheels" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the spring" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the travel" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the spring end and idler end" in 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the tube" in line 5 and in line 7. There is insufficient antecedent basis for this limitation in the claim.

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Claim 4 recites the limitation "the direction" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the guide support wire" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the spring" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the free rolling of the wheels" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the travel" in line 4. There is insufficient antecedent basis for this limitation in the claim.

With regards to Claim 6, the phraseology "a pair of sheets to form an awning or effective ceiling, whilst a third sheet is allowed to drop down from a central keyway tube, when the other two are unwound" in the lines 3-5 renders the claim indefinite. An awning and effective ceiling are not structural equivalents, therefore the scope of the claim cannot be understood. It is also not clear which "sheets" are discussed the claim because of the use of "a pair", "a third sheet", and also "the other two"; therefore the scope of the claim cannot be understood. The use of "central keyway tube" rather than "the keyway tube" also renders the claim indefinite because the scope of the claim cannot be understood.

Claim 6 recites the limitation "the other two" in line 5. There is insufficient antecedent basis for this limitation in the claim.

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Claim 7 recites the limitation "the area" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the junction" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the wall" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the self rolling structure" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the upper and lower ends" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the self rolling apparatus" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

With regards to claim 9, the phraseology "held in tracks and aligned lateral travel" renders the claim indefinite because the scope of the claim cannot be understood as a result of a missing word or words.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

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F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 2, 4-6, and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 6, 8, and 12-16 of U.S. Patent No. 6948542. Although the conflicting claims are not identical, they are not patentably distinct from each other because U.S. Patent No. 6948542 discloses a self-rolling blind device having a key-way tube 12 with a spring mechanism, two or three sheets 17 having one end connected to the key-way tube 12 and the other being a free end, wheels 16 on the ends of the key-way tube 12, pulley wheels 25 on the ends of the key-way tube, guide support wires 26.

With regards to Claim 9, it would have been obvious within the structure of the self-rolling blind device disclosed in 6948542 to one of ordinary skill within the art at the time of the invention to modify the blind by altering the direction in which the blind unwinds and the plane in which it lies without altering the structure or functions of the apparatus so as to be able to cover large openings in a vertical plane with lateral movement. This would nullify the need for multiple curtains, shades, or blinds that extend or unwind in the vertical direction in series, because one horizontally opening self-rolling blind with guide tracks and a central supporting key-way tube could cover

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equal or greater lateral space without needing modifications to its structure. Because there are no structural modifications necessary, the self-rolling blind placed in a vertical plane creates no unexpected results, and is therefore unpatentable.

5. Claim 3 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 6, 8, and 12-16 of U.S. Patent No. 6948542 in view of Berkemeier (US Patent No. 4480675).

U.S. 6948542 fails to disclose tracks that would allow wheels to rotate within so as to guide the apparatus in a particular direction but not restrict movement in said particular direction.

Berkemeier teaches a rolling cover with guiding tracks 18 and 20 that can house wheels or rollers and limits the movement of the cover to lateral movement within a given plane.

It would have been obvious to one of ordinary skill within the art at the time of the invention to modify the self-rolling blind device disclosed by 6948542 with the guiding tracks disclosed by Berkemeier to control the motion of the rolling apparatus to a specific plane and provide vertical support without decreasing the efficiency of the movement in the allowable plane. This would make the rolling apparatus much easier to maneuver, notably if it was of considerable size, for example a pool cover, or if it was situated overhead. A user would not need to use excessive effort to wind or unwind the rolling apparatus properly creating the same covering area or the same straight and tightly wound configuration on the central roller.

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6. Claim 7 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 6, 8, and 12-16 of U.S. Patent No. 6948542 in view of Brodie (US Patent No. 642423).

U.S. 6948542 fails to disclose two more rolling apparatus coupled together.

Brodie teaches a curtain system having two or more rolling curtains coupled together using shafts and universal joints (Figure 3).

It would have been obvious to one of ordinary skill within the art at the time of the invention to modify the self-rolling blind device disclosed by 6948542 by coupling together multiple of the apparatuses together as taught by Brodie in order to have coverage of a greater surface area without having to operate more than one apparatus.

7. Claim 8 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, 2, 6, 8, and 12-16 of U.S. Patent No. 6948542 in view of White et al. (US Patent No. 4502674).

U.S. 6948542 fails to disclose having a rolling apparatus with one horizontal sheet and one vertical sheet.

White et al. teach a rolling cover having a roller 14, a horizontal sheet 16 drawn from the roller 14, and a second sheet 22 also drawn from the roller 14 that extends vertically downward from said roller 14.

It would have been obvious to one of ordinary skill within the art at the time of the invention to modify the self-rolling blind device disclosed by 6948542 with the vertical sheet as taught by White et al. in order to have a multifunctional cover that can cover vertical and horizontal areas so as to have the effect of creating a vertical wall and an

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overhead cover. This increases the possibilities of uses and functions of the rolling cover, which in turn would increase customer demand.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell F. Bloodgood whose telephone number is 571-272-5712. The examiner can normally be reached on Mon - Fri: 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RFB


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